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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,281	10/31/2001	Brent McKay	12275-0013/JWE	3808

20995 7590 06/22/2006

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,281

Applicant(s)

MCKAY, BRENT

Examiner

DANIEL LASTRA

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 21-36 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02/21/2006.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 21-36 have been examined. Application 10/004,281 (INTERACTIVE MEDIA MANAGEMENT SYSTEM AND METHOD FOR NETWORK APPLICATIONS) has a filing date 10/31/2001 Claims Priority from Provisional Application 60244761 (10/31/2000).

Response to Amendment

2. In response to Advisory Action filed 03/23/2006, the Applicant filed an RCE on 04/13/2006, where no Claims were amended. Applicant's amendment overcame the previous Section 112 rejection with respect to "publicly-located dynamic displays".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 21 and 34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 21 recites "providing pricing for the subset of available inventory to the advertiser, wherein the pricing changes according to a degree of targetability represented by the subset of available inventory compared to the available advertising media inventory". Nowhere, in Applicant's specification is recited that pricing is based upon the degree of targetability represented by the subset

of available inventory compared to the available advertising media inventory. Applicant's specification teaches finding inventory that matches advertiser's target consumer demographic and upon said finding determining a price for said inventory. In Applicant's specification the comparison is between an advertiser's created media profile and available media inventory not between the subset of available inventory and available advertising media inventory.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites "providing pricing for the subset of available inventory to the advertiser, wherein the pricing changes according to a degree of targetability represented by the subset of available inventory compared to the available advertising media inventory". Said claim is indefinite because it seems to say that the pricing calculation is based upon comparing a subset of available of inventory to the total media inventory, when Applicant's specification only mentions finding a match between an advertisers' offers (i.e. media profile) and available inventory where to place said advertisers' ads.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-23, 25-29 and 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto (US 2004/0111319).

As per claims 21, 34 and 36, Matsumoto teaches:

A method for selling advertising media inventory on a network of publicly-located dynamic displays, the method comprising: electronically receiving target consumer demographics from an advertiser (see paragraph 61), comparing the target consumer demographics to demographic information for available advertising media inventory (see paragraphs 47, 69) on the network of publicly-located dynamic displays (see paragraph 69 "type of media network");

identifying a subset of available Inventory based at least in part on the comparison (see paragraph 47) and providing pricing for the subset of available inventory to the advertiser, wherein the pricing changes according to a degree of targetability represented by the subset of available inventory compared to the available advertising media inventory (see figure 4, "cost for response").

As per claim 22, Matsumoto teaches:

The method of Claim 21, wherein electronically receiving the target consumer demographics from the advertiser comprises receiving the target consumer demographics through a computer interface from at least one of a media planner and a media buyer (see paragraph 61 "category of target network users").

As per claim 23, Matsumoto teaches:

The method of Claim 21, wherein the network of publicly located dynamic displays comprises at least one dynamic interactive directory (see paragraph 69 "media type").

As per claim 25, Matsumoto teaches:

The method of Claim 21, further comprising comparing the target consumer demographics to demographic information for available advertising media inventory on at least one additional media type (see paragraph 49).

As per claim 26 Matsumoto teaches:

The method of Claim 25, wherein the at least one additional media type comprises a dynamic medium selected from the group comprising interactive directories, elevator information, and fitness equipment (see paragraph 69; mailing magazines or websites can be classified as interactive directories).

As per claim 27 Matsumoto teaches:

The method of Claim 25, wherein the at least one additional media type comprises an online website (see paragraph 69).

As per claim 28, Matsumoto teaches:

The method of Claim 25, wherein the at least one additional media type comprises one or more media selected from the group comprising radio, television, outdoor billboard, wallscape, indoor poster, newspaper, and magazine (see paragraph 69).

As per claim 29, Matsumoto teaches:

The method of Claim 25, further comprising receiving a selection of a seller of the at least one additional media type (see paragraph 69).

As per claims 33 and 35, Matsumoto teaches:

The method of Claim 21, further comprising providing a number of impressions corresponding to the subset of available inventory to the advertiser (see figure 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 2004/0111319).

As per claim 24, Matsumoto teaches:

The method of Claim 21, but does not expressly teach further comprising electronically receiving target geographic location information for an advertisement campaign from the advertiser, wherein the subset of available inventory is also based at least in part on a comparison of the target geographic location information and a location of one or more dynamic displays. However, Official Notice is taken that user demographics include geographic location of said users. Matsumoto teaches using the user's demographic of the inventory's medium for the purpose of matching target

consumer demographic with inventory's user demographic and type of media.¹ Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Matsumoto's affiliates (i.e. media inventory) would determine the target user's demographic (i.e. location) and the media type location in order to determine which advertisers offers (i.e. media profile) to accept, as they match the affiliate (i.e. media inventory) users' demographics².

As per claim 30, Matsumoto teaches:

The method of Claim 21, further comprising electronically receiving target, property type Information for an advertisement campaign from the advertiser, wherein the subset of available Inventory is also based at least in part on a comparison of the target property type Information and a property type location of one or more dynamic displays. However, the same argument made in claim 24 regarding this missing limitation is also made in claim 30.

As per claim 31, Matsumoto teaches:

The method of Claim 30, but fails to teach wherein the target property type includes at least one specific retail store. However, the same argument made in claim 30 regarding this missing limitation is also made in claim 31.

As per claim 32, Matsumoto teaches:

The method of Claim 30, but fails to teach wherein the target property type includes a type of retail store. However, the same argument made in claim 30 regarding this missing limitation is also made in claim 32.

¹ Matsumoto paragraph 69

Response to Arguments

6. Applicant's arguments filed 04/24/2006 have been fully considered but they are not persuasive. Applicant's argues that Dedrick or Matsumoto don't predict media inventory. The Examiner answers that Applicant's invention does not have support for predicting media inventory, Applicant's specification teaches of finding media inventory after an advertiser has defined a media profile, but there is no prediction in doing that. Also, Matsumoto's system teaches identifying a subset of available inventory when it finds a match between advertisers' proposals (i.e. media profile) and affiliates' interest (i.e. media inventory)³. Also, Matsumoto teaches a dynamic pricing as advertisers make a conditional purchase offer to affiliates (i.e. media inventory) of how much said advertiser would pay for an advertisement campaign.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

² Matsumoto parag 69

³ Matsumoto paragraph 47

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
May 30, 2006

Yehdega Retta
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PRIMARY EXAMINER